



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Rob Lieffering - Resource Consents Manager

**REFERENCE:** C651

**SUBJECT:** **RESOURCE CONSENTS MANAGER'S REPORT - REPORT EP07/11/06** – Report prepared for 15 November Meeting

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### 1. INTRODUCTION

The purpose of this report is to provide a brief background on the functions of the Resource Consents section of the Environment & Planning Department for the new councillors. The report also provides a summary of current workloads, non-notified decisions issued under delegated authority, and the status of appeals.

### 2. RESOURCE CONSENT PROCESSING

The Tasman District Council (“the Council”) is required to process and decide on applications for resource consent where an activity does not meet an applicable permitted activity rule listed in the Tasman Resource Management Plan (TRMP).

There are five “types” of resource consent (also included are common activities covered by these consent types):

- Land Use Consent (building closer to boundaries, out of zone activity, earthworks, structures in the beds of watercourses)
- Subdivision Consent (subdivision of land)
- Coastal Permit (coastal structures, moorings, marine farms)
- Water Permit (surface and ground water takes, diversion of water)
- Discharge Permit (discharges to air, land and water)

Consent applications can be processed in one of three ways:

- Non-notified: where the adverse effects of the activity are minor and the written approval of all adversely affected parties (if any) are provided. These decisions are usually made under delegated authority by Council staff.
- Limited notified: where the adverse effects of the activity are minor and the written approval of all adversely affected parties (if any) are unable to be gained. These parties are given the opportunity to lodge submissions on the application. In some cases a Consent Hearing is required and sometimes the decision is issued under delegated authority by Council staff.

- Publicly notified: where the adverse effects of the activity are more than minor. A notice is placed in the local newspaper and members of the public, including potentially affected parties, may lodge a submission on the application. In most cases a Consent Hearing is required but sometimes the decision can be issued under delegated authority by Council staff.

The Council processes approximately 1,000-1,200 resource consent applications per year of which over 90% are decided upon under delegated authority by Council staff. In the order of 40 resource consent hearings are held every year, most of which are decided on by a panel made up of elected representatives, however in some cases independent commissioners are appointed to make decisions on the applications.

### **Objections to Decisions**

Every resource consent decision made under delegated authority may be objected to by the applicant. The objection can relate to the decision or any conditions of consent. Where such an objection is received the Council usually holds a hearing to decide whether to uphold the objection or reject it (in whole or in part). The applicant can appeal this decision to the Environment Court (see below).

### **Appeals**

Every resource consent decision made by the Council following a consent hearing (or objection hearing) may be appealed to the Environment Court by either the applicant or any submitter. Where a decision is appealed the Court usually asks whether there is any chance of mediating with the aim or reaching a resolution thereby avoiding the need for a formal Environment Court hearing. Where no resolution is possible the Environment Court sets the case down for a formal hearing and it makes a decision based on evidence.

### **Processing Timeframes**

For non-notified resource consents, the Council is required to process the application and make a decision within 20 working days. Limited and publicly notified resource consents follow a separate pathway and have different statutory timeframes for each step of the process.

When resource consent applications are lodged they are reviewed to ensure there is sufficient information to assess the environmental impacts. Where Council staff consider that further information is required, the Resource Management Act 1991 ("the RMA") allows for this information to be requested and the processing clock is put "on hold". Once the information arrives the clock continues ticking. Processing timeframes are also sometimes extended if the Council requires further time to assess the application or if the applicant wants further time to resolve issues with affected parties.

## **3. CURRENT RESOURCE CONSENT WORKLOADS**

The Resource Consents section currently has **738** resource consent applications lodged of which 404 applications are "on hold" (either for further information or at the request of the applicant) and 334 applications are "in process" (processing clock is ticking).

#### 4. SUMMARY OF DECISIONS MADE UNDER DELEGATED AUTHORITY

Council staff have issued 327 non-notified resource consents under delegated authority during the period 1 July – 31 October 2007 (i.e. first four months of the current financial year). The following table presents a summary of the various types of consents issued, average processing days, and compliance with statutory timeframes.

<b>Consent Type</b>	<b>Number Issued</b>	<b>Average Processing Time</b>	<b>% Processed Within Statutory Time</b>
District Land Use	163	15 working days	99%
Subdivision	70	36 working days	79%
Coastal Permit	1	16 working days	100%
Discharge Permit	23	65 working days	91%
Regional Land Use	42	13 working days	98%
Water Permit	26	43 working days	96%
Certificate of Compliance	2	1 working day	100%
<b>TOTAL</b>	<b>327</b>	<b>25 working days</b>	<b>94%</b>

#### 5. CURRENT APPEALS

The Council is dealing with the following appeals on resource consent decisions, all of which relate to decisions made by hearings panels:

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
Stephen Tate	Appeal against Council's decision to decline consent for Marahau Valley Farms	Currently negotiating conditions
CRT Ltd	Appeal against conditions of consent to establish a commercial activity at Lower Queen Street	Awaiting Environment Court decision
Baigent	Appeal against conditions associated with Mt Heslington water sharing	Environment Court interlocutory hearing date set (26 November 2007)
Weingut Seifried	Appeal against conditions associated with Mt Heslington water sharing	Environment Court interlocutory hearing date set (26 November 2007)
Iannuzzi and Kelly	Subdivision at Motueka Valley	Appeal withdrawn
R Brooks Estate	Subdivision at Motueka Valley	Appeal withdrawn
Transit NZ	Subdivision at Stringer Valley (Applicant: Tasman Ltd)	Agreement reached. Draft Consent Order sent to Environment Court.

<b>Appellant</b>	<b>Matter</b>	<b>Status</b>
Richmond West Group	Subdivision of land at Richmond West	On hold due to Variation to TRMP
Riwaka Fruit and Viticultural Services Ltd	Subdivision at Flett Road, Moutere	Mediation successful and draft Consent Order sent to Environment Court
Jones	Subdivision at Park Drive, Richmond. Appellant was a submitter	New appeal. Council to prepare reply to Environment Court
Kearney	Subdivision at Park Drive, Richmond. Appellant is the applicant.	New appeal. Council to prepare reply to Environment Court

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